

Temporary Hours of Service Exemptions in Response to Blockades at International Crossings

Issue:

The Ministry of Transportation (MTO) is proposing to grant temporary Hours of Service exemptions for eligible registered Commercial Vehicle Operator's Registration (CVOR) clients to alleviate additional pressures impacting delayed deliveries affected by convoy protests.

Key Messages:

- **Ongoing protests at the Ambassador Bridge, a vital road crossing that is critical to international trade, are causing significant impacts and delays in delivering loads in the trucking industry.**
- **Similar protests are also anticipated at other border crossings.**
- **Commercial Vehicle Drivers that have been delayed behind protest lines are at risk of violating Hours of Service regulations.**
- **The Registrar of Motor Vehicles has authority under the *Highway Traffic Act* to grant temporary exemption certificates to registered CVOR holders for Hours of Service regulations (Ontario Regulation 555/06).**

Proposed Process:

- Carriers will need to apply to the Carrier Sanctions and Investigations Office (CSIO) by sending an email message to csio@ontario.ca that includes all of the following information:
 - CVOR certificate number
 - Plate number of vehicle(s)
 - Origin/Destination
 - The following declaration: "I hereby declare that the company associated with the above-mentioned CVOR number is not participating in the truck convoy protests and is applying for this exemption due to business operations being unduly impacted by the blockages directly impacting delivery routes."
- The certificate will be sent to the applicant digitally by email (see Appendix A).
- Staff will monitor the CSIO mailbox for the duration of the protests and can respond to these requests promptly.
- There will be a requirement for overtime for Senior Program Administrators in CSIO to deliver these exemptions on a 24/7 basis.
- These exemptions will only be valid until the load is delivered. The exemption will not apply for the return trip.
- These exemptions will no longer be available at the culmination of the blockages at international crossings.

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- In order to communicate this temporary exemption and application process out to eligible clients, the ministry suggests the following communication measures be performed as soon as possible:
 - Message posted on official Twitter/Facebook/Instagram feeds with instructions
 - Updates to ministry CVOR website(s)
- See Appendix B for other options considered by the ministry.

Contacts:

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Appendix A – Sample Hours of Certificate Exemption Certificate

Exemption Certificate		Ontario 	
Issued pursuant to the <i>Highway Traffic Act</i> Section 191			
Ministry of Transportation		Exemption Certificate No.	2022-0##
CVOR #:	000-000-000		
Operator Name:	Name Name		
Address:	1 Street, 1 Town, ON LNL NLN		
Hours of Service Exemption Certificate	From (yyyy/mm/dd) 2022-02-12	To (yyyy-mm-dd) <i>Valid as specified</i>	Issue Date (yyyy-mm-dd) 2022-02-12

Terms and Conditions:

This certificate provides an exemption for drivers employed by the operator identified above while driving a commercial motor vehicle engaged in travel which is significantly impeded by the current protests occurring on the roadways and bridges within and serving Ontario. Such protests are considered to constitute wide-spread adverse driving conditions which could not reasonably have been anticipated by the operator or drivers.

Whereas Ontario Regulation 555/06-Hours of Service, section 15, increases allowable driving time for drivers encountering adverse conditions, *this certificate expands this provision by extending allowable driving time to allow affected drivers to complete the next delivery for which their commercial motor vehicle is laden. Further, after the delivery is complete the driver will immediately enter Off-Duty status or Sleeper Berth status to become fully compliant with the regulation prior to resuming driving duties. If the driver is unable to enter Off-Duty status or Sleeper Berth status at the delivery location, the driver will proceed directly to the nearest location suitable for that purpose.*

Conditions:

1. This certificate is valid to the conclusion of the adverse conditions described above.
2. If the driver is not permitted to enter Off-Duty status or Sleeper Berth status at or near the delivery location, the driver will proceed directly to the nearest suitable location and enter the required Off-Duty or Sleeper Berth status.
3. The driver shall enter in the "Remarks" section of their driver's daily log the location and other details of the adverse driving conditions.

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4. The driver shall enter in the "Remarks" section of their driver's daily log the origin of their trip and their immediate (next) destination location for which this certificate is facilitating a delivery.
5. A driver shall carry a physical or electronic copy of this certificate, and carry and maintain driver daily logs, in the vehicle.
6. A driver shall produce this certificate and their driver daily logs for inspection upon demand of a police officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*.
7. A driver shall adhere to all other existing safety laws and regulations.

This certificate does not apply when a driver operates for a purpose other than that described above, or travels beyond the provincial border.

TAKE NOTICE

An operator shall not request, require or permit a driver to drive, and no driver shall drive, a commercial vehicle in a fatigued or otherwise unfit state.

The exemption provided by this certificate applies only to those drivers as determined by the operator. An operator shall record the names of its drivers to whom the exemption is applied. The operator must retain a copy of the exemption certificate along with the drivers' hours of service records at its principal place of business for a period of at least 6 months.

Deputy Registrar of Motor Vehicles



Alfred Sean Doussept

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Appendix B – Other Options Explored

Option	Rationale
Full, automatic Hours of Service exemptions for all CVOR clients	This approach would not be appropriate because not all routes in Ontario are being affected by blockades at the international borders. The ministry wants to alleviate pressure on companies that are directly impacted by the protests.
Enforcement deferral of Hours of Service	Similar rationale to above.
O. Reg 555/06 (15)(1)(a) identifies that a driver who encounters adverse driving conditions while driving a commercial motor vehicle may increase the driving time permitted by two hours in certain situations.	This has already been put in place, as directives have been sent out to the Enforcement Officers to advise them of the potential use of this exemption by carriers on February 7 th , 2022. However, extending the amount of driving time by two hours may not provide enough relief to drivers impacted by the protests.